

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

BLYTHE MCDONNELL &
SEAN MCDONNELL,

Plaintiffs,

v.

NATIONSTAR MORTGAGE, LLC,
FIELD ASSET SERVICES, LLC a/k/a
ASSURANT FIELD ASSET SERVICES,
SOLUTIONSTAR FIELD SERVICES, LLC,
SPECTRUM FIELD SERVICES, INC., AND
SOUND MIND REAL ESTATE, LLC,

Defendants.

Case No: 4:17-cv-000146-DGK

**DEFENDANT SOUND MIND REAL ESTATE, LLC'S MOTION
TO DISMISS COUNT I OF PLAINTIFFS' FIRST AMENDED COMPLAINT**

COMES NOW defendant, Sound Mind Real Estate, LLC, by and through its counsel, Fox Galvin, LLC, and moves for dismissal of Count I of plaintiffs' First Amended Complaint pursuant to Fed.R.Civ.P. 12(b)(6). In support of defendant's Motion to Dismiss, defendant has filed, contemporaneously herewith, a Memorandum in Support of its Motion to Dismiss and an Answer as to Counts II, III, IV, V and VI of plaintiffs' First Amended Complaint.

WHEREFORE, defendant, Sound Mind Real Estate, LLC, respectfully requests this Court dismiss Count I of plaintiffs' First Amended Complaint against this defendant for failure to state a claim upon which relief may be granted, and for such other and further relief as the Court deems just and proper.

FOX GALVIN, LLC

By: s/ Richard B. Korn
Richard B. Korn, # 06229621
rkorn@foxgalvin.com
One Memorial Drive, 12th Floor
St. Louis, MO 63102
(314) 588-7000
(314) 588-1965 (Fax)

Attorneys for Defendant
Sound Mind Real Estate, LLC

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will serve the following counsel of record:

Mr. Jason K. Rew
Oswald Roam Rew & Fry, LLC
602 NW Jefferson Street
PO Box 550
Blue Springs, MO 64013
816-229-8121
816-229-0802 (Fax)
jrew@orrf-law.com

Mr. Thomas V. Bender
Mr. Dirk L. Hubbard
Walters Bender Strohbehn & Vaughan, PC
1100 Main Street
PO Box 26188
Kansas City, MO 64196
816-421-6620
816-421-4747 (Fax)
dhubbard@wbsvlaw.com
tbender@wbsvlaw.com

Attorneys for Plaintiffs

Mr. James C. Morrow
Mr. Marshall W. Woody
Morrow Willnauer Church, L.L.C.
8330 Ward Parkway, Suite 300
Kansas City, MO 64114
816-382-1382
816-382-1383 (Fax)
jmorrow@mwcattorneys.com

Attorneys for Defendant Field Asset Services,
LLC a/k/a Assurance Field Services, LLC

Mr. Thomas B. Alleman
Dykema Cox Smith
1717 Main, Suite 4200
Dallas, TX 75201
214-698-7830
214-462-6401 (Fax)
talleman@dykema.com

Attorney for Defendant Nationstar Mortgage,
LLC

/s/ Richard B. Korn